US Army Corps
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SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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RESPONSE REQUIRED BY: 24 December 2001

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

PROJECT MANAGER: Peter Straub TELEPHONE: (415) 977-8443 E-Mail: pstraub@spd.usace.army.mil

1. **INTRODUCTION**: Vino Farms, Incorporated, 1377 East Lodi Avenue, Lodi, California 95240-0840, through its agent Atterbury &Associates (Thomas Atterbury; 707-433-0134), has applied to the U.S. Army Corps of Engineers (USACE) for a permit to place rock slope protection along an eroding bank of the Russian River and to remove gravel from a point bar opposite of the bank. The project is located between river miles 29 and 30 at 11115 Eastside Road (APNs 86-120-049, -050), approximately thee miles south of the City of Healdsburg, in Sonoma County, California. This Public Notice supercedes Public Notice No. 237510N, issued on 5 August 1999, as a result of substantive changes in the revetment design and the proposed removal of gravel from the opposite bar to relieve hydraulic meander stress on the eroding bank. This individual permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. **PROJECT DESCRIPTION**: As shown in the attached drawings, Vino Farms is proposing to excavate a temporary by-pass channel across the point bar, construct temporary cofferdams upstream and downstream of the project reach, dewater the low-flow channel to allow equipment access to affected bank, and construct a 960-linear-foot rock revetment structure to stabilize the bank.

Project construction would initially require the excavation and removal of approximately 6 feet of aggraded gravel from the point bar to increase flow capacity of the channel and to relieve hydraulic meander stress on the eroding bank. The area would be then graded to establish a 1.0% longitudinal slope and a 0.13% transverse slope for drainage purposes. Willow stands encountered during excavation work would be transplanted to the outer perimeter of the bar along the low-flow channel. In turn, a 30-foot-wide meandering by-pass channel would be excavated across the point bar to a depth corresponding to the thalweg elevation of the low-flow channel to be dewatered. The by-pass channel would incorporate a variety of habitat elements, such as root wads and boulders, to support salmonid fish species. Excavation work would alter approximately 6.3 acres of bar topography, generating up to 36,850 cubic yards (cys) of gravel for disposal at an upland location.

A portion of the excavated material would be used to construct temporary cofferdams upstream and downstream of the project reach, enabling flow diversion into the constructed by-pass channel and dewatering of approximately 4.2 acres of riverbed; cofferdam dam construction would require the discharge of approximately 3,080 cys of gravel below the plane of ordinary high water. Flow diversion and cofferdam construction would be performed on an incremental basis to minimize water turbidity and in conjunction with the relocation of stranded salmonids in the dewatered riverbed. If salmonids were encountered in the project reach, various techniques would be employed to facilitate their relocation, including herding, seining, and electrofishing.

Upon completion of the dewatering process, three access roads would be constructed from the top-of-slope of the affected bank to gain equipment access to the riverbed; fill discharges associated with the access roads would be ultimately incorporated in the new revetment structure. Initial construction work would require the excavation of a 14-foot-wide by 6-foot-deep keyway to anchor the revetment structure, generating up to 2,650 cys of gravel for disposal or use as gravel backfill. The rock keyway would extend 10 to 40 feet riverward from the existing toe-of-slope and alter approximately 0.35 acre of riverbed below the plane of ordinary high water. The keyway face would be curvilinear and incorporate several rock hard points to create a variety of aquatic habitat conditions along the low-flow channel.

The rock revetment structure would be constructed at a 1:1 slope from the keyway surface up to the plane of ordinary high water and incorporate a horizontal bench varying from 5 to 15 feet in width. From the bench plane, the revetment structure would be constructed at a 2:1 slope up to the existing top-of-bank, with the upper portion comprised solely of compacted soil. As construction advanced upslope, willow and alder cuttings or sprigs would be planted in the rock crevices of the revetment structure. Rooted cuttings of box elder, willow, alder, and cottonwood would be planted on bench and in upper portions of the revetment structure. The keyway, rock hard points, and revetment structure would require the placement of approximately 11,190 cys of fill material, consisting of 1- to 2-ton rock, ½- to 1-ton rock, gravel backfill, and soil; of this volume, approximately 7,595 cys of material would be discharged below the plane of ordinary high water.

After construction of the revetment structure, the upstream cofferdam would be lowered to within 1-foot of the water

surface elevation and the excavated material spread over the point bar and dewatered riverbed. Subsequent winter high-flow events would presumably breach the cofferedams, restore water flow in the channel, and obliterate the by-pass channel through sediment transport and deposition.

3. **PURPOSE AND NEED:** The purpose and need for the project are to arrest an actively eroding bank and to prevent the further loss of property, including mature riparian vegetation near the top-of-slope, productive vineyards located 60 to 90 feet behind the bank, and groundwater well heads in proximity to the bank. Since 1984, an estimated 5.0 acres of riparian forest has been lost as the channel migrated eastward into the bank and deposited gravel on an expanding point bar along the inner meander bend to the west. Gravel skimming has not been performed since the mid-1970s, enabling the accumulation of gravel to within several feet of the top-of-bank over extensive areas of the bar; gravel accumulation has reduced the flow capacity of the river within the project reach, thereby promoting channel migration and hydraulic stress on the opposite bank. The existing bank is susceptible to continuing undercutting and sloughing due to the proximity of the low-flow channel to the toe-of-slope and its composition of highly erosive alluvial substrate. Channel migration and resulting erosion have resulted in a nearly vertical, 25- to 30-foot-high bluff that is devoid of vegetative cover between the toe- and top-of-slope.

4. **STATE APPROVALS**: State water quality certification or waiver is a prerequisite for the issuance of a Department of the Army permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act (33 U.S.C. 1341). The applicant is hereby notified that, unless the USACE is provided a valid request for water quality certification by the Regional Water Quality Control Board (RWQCB) within 30 days of the date of this Public Notice, the District Engineer may consider the permit application to be withdrawn. No permit will be issued until the applicant obtains the required certification or waiver. A waiver will be explicit, or it may be presumed if the RWQCB fails or refuses to act on a valid request for certification within 60 days after receipt, unless the District Engineer determines a shorter or longer period is a reasonable time for the RWQCB to act.

Water quality issues should be directed to the Executive Officer, Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403, by the close of the comment period.

The project is not subject to the jurisdictional purview of the San Francisco Bay Conservation and Development Commission or the California Coastal Commission.

5. **COMPLIANCE WITH VARIOUS FEDERAL LAWS:**

National Environmental Policy Act of 1969 (NEPA): At the conclusion of the public comment period, the USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), the Council on Environmental Quality's Regulations at 40 CFR 1500-1508, and USACE Regulations at 33 CFR 230 and 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of the USACE and other non-regulated activities the USACE determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army permit for the project.

Endangered Species Act of 1973 (ESA): Naturally spawned populations of coho salmon (*Oncorhynchus kisutch*), steelhead (*Oncorhynchus mykiss*), and chinook salmon (*Oncorhynchus tshawytscha*) inhabiting the California Coast Province, including the Russian River Basin, have been federally-listed as threatened under the Endangered Species Act. Critical habitat has been also designated for these species to include all estuarine and river reaches accessible to salmonids below longstanding, naturally impassable barriers. Designated critical habitat consists of the water, streambed, and adjacent riparian zone. The Middle Reach of the Russian River principally serves as a migratory corridor for adult and juvenile salmonids. Upstream migration of coho salmon generally occurs from late October to mid-February. Adult steelhead migrate up the Russian River from October through May, with stragglers entering the basin as late as mid-June. Upstream migration of chinook salmon occurs from late August through November. Due to high water temperatures during the summer months, the Middle Reach does not typically provide suitable rearing habitat for non-migrating juveniles. Steelhead and chinook salmon may be utilizing portions of the Middle Reach for spawning purposes in the late winter and spring. No other federally-listed threatened or endangered species are known to occur on site or in the project vicinity.

The USACE has conducted Section 7 consultation with the National Marine Fisheries Service (NMFS) to address project-related impacts to salmonids and their designated critical habitat. In concluding Section 7 consultation, the NMFS issued a Biological Opinion on 23 July 2001, indicating that the project is not likely to jeopardize the continued existence of the salmonid fish species and is not likely to destroy or adversely modify their designated critical habitat. The Biological Opinion contains terms and conditions for incidental take of salmonids that would be incorporated as Special Conditions to any Department of the Army permit issued for the project. The terms and conditions require an in-stream construction window

to avoid migratory periods; a qualified biologist to oversee water diversion operations; approved screening criteria for pump intake structures; post-construction restoration of impacted bars and banks; and maintenance and monitoring of planted riparian vegetation.

Magnuson-Stevens Fishery Conservation and Management Act of 1996 (MSFCMA): The Russian River Basin occurs within essential fish habitat for the Pacific Salmon Fishery that includes both coho and chinook salmon. Essential fish habitat for these species corresponds to their designated critical habitat. Under the aforementioned Section 7 consultation process, the NMFS concluded that the project is likely to adversely affect essential fish habitat as a result of temporary dewatering operations, increased downstream turbidity, instream construction work, and the loss of riparian vegetation. The NMFS further recommended the adoption of conservation measures that would correspond to the terms and conditions for incidental take.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State, and Federal agencies, no historic or cultural resources are known to occur on site or in the project vicinity. Standard construction-related measures to preserve such resources would be employed if buried artifacts or other archaeological resources were exposed during excavation and grading operations. If unrecorded historic or cultural resources were discovered during construction, such operations would be suspended until the USACE concluded Section 106 consultation with the State Historic Preservation Officer to take into account any construction-related impacts to these resources.

6. **COMPLIANCE WITH THE 404(b)(1) GUIDELINES**: Projects resulting in dredged or fill material discharges into waters of the United States must comply with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation pursuant to the Guidelines indicates the project is dependent on location in or proximity to waters of the United States to achieve the basic project purpose of bank protection. The applicant has submitted an analysis of project alternatives to be reviewed for compliance with the Guidelines.

7. **PUBLIC INTEREST EVALUTION**: The decision on whether to issue a Department of the Army permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use of the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

8. **CONSIDERATION OF COMMENTS**: The USACE is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the project. All comments received by the USACE will be considered in the decision on whether to issue, modify, condition, or deny a Department of the Army permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other environmental factors addressed in a final Environmental Assessment or Environmental Impact Statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

9. **SUBMITTING COMMENTS**: During the specified comment period, interested parties may submit written comments to the San Francisco District, Regulatory Branch, North Section, citing the applicant's name and Public Notice Number in the letter. Comments may include a request for a public hearing on the project prior to a determination on the permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All comments will be forwarded to the applicant for resolution or rebuttal. Additional information may be obtained from the applicant or by contacting Mr. Peter Straub of the Regulatory Branch at telephone 415-977-8443.